

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DARRELL KING,

Plaintiff,

v.

M/V DYNASTY, *et ux.*,

Defendant.

No. C09-0792RSL

ORDER AWARDING SANCTIONS
AND DISMISSING CASE

This matter initially came before the Court on “Defendant American Seafoods’ Motion to Dismiss Plaintiff’s Claims.” Dkt. # 15. Defendant sought dismissal of the above-captioned matter as a sanction for plaintiff’s failure to comply with prior orders of the Court. The Court declined to dismiss the case, finding that “what appears to be recalcitrance on plaintiff’s part may actually reflect counsel’s inability to meet the demands of his practice.” Dkt. # 21. Plaintiff was again ordered to respond to the outstanding First Interrogatories and Requests for Production of Documents and warned that failure to provide responses within seven days could result in the dismissal of this action. Defendant was awarded its reasonable expenses in filing the motion to dismiss.

As requested, defendant has provided a statement of the number of hours spent on the motion to dismiss and an update on the status of plaintiff’s production. Unfortunately, defendant has not heard from plaintiff or his counsel since the Court’s April 29, 2010, order.

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1 For all of the foregoing reasons, the Court hereby ORDERS that:

2 (1) Plaintiff's counsel, Horton Smith, shall pay to defendant its reasonable attorney's fees
3 of \$2190. Payment shall be made within ten days of the date of this Order.

4 (2) Plaintiff's claims against American Seafoods Company are hereby DISMISSED as a
5 sanction for failure to comply with the Court's discovery orders. Less drastic sanctions have
6 failed to elicit any response from plaintiff or his counsel.

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8 Dated this 11th day of May, 2010.

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10 Robert S. Lasnik

11 United States District Judge
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